

HALL & EVANS, LLC
 1160 North Town Center Drive
 Suite 330
 Las Vegas, Nevada 89144
 (702) 998-1022

HALL & EVANS, LLC
 KURT R. BONDS, ESQ.
 Nevada Bar No. 6228
 MADISON M. AGUIRRE, ESQ.
 Nevada Bar No. 16183
 TANYA M. FRASER, ESQ.
 Nevada Bar No. 13872
 1160 North Town Center Drive
 Suite 330
 Las Vegas, Nevada 89144
 (702) 998-1022
nvefile@hallevans.com
Attorneys for Wal-Mart, Inc.

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA

MORENA MORROW, an individual,

 Plaintiff,

v.

WAL-MART, INC., a Foreign Corporation;
 M&D Group, LLC, a Nevada Limited Liability
 Company; DOE MANAGER; DOE & ROE
 EMPLOYEES; DOE & ROE EMPLOYERS;
 DOE OWNERS I-V; ROE OWNERS I-V;
 ROE EMPLOYERS I-V; DOES I-V;
 and ROE COMPANIES I-V, inclusive,

 Defendants.

Case No. 2:23-CV-01125-CDS-EJY

**JOINT ~~PROPOSED~~ DISCOVERY PLAN
 AND SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
 REQUESTED]**

COMES NOW Plaintiff, MORENA MORROW, by and through her attorney of record, ERIC R. BLANK, ESQ. and HARRY V. PEETRIS, ESQ. of ERIC BLANK INJURY ATTORNEYS, and Defendant, WAL-MART, INC. (“Defendant” or “Walmart”) by and through its attorneys of record, KURT R. BONDS, ESQ. and TANYA M. FRASER, ESQ. of HALL & EVANS, LLC, and hereby submit this Joint Proposed Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference

The parties participated in the FRCP 26(f) conference on August 11, 2023 and there were no discovery disputes that that time. Plaintiff and Defendant will serve their respective initial disclosure

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statements no later than August 18, 2023. The parties now propose the following discovery plan:

1. **Discovery Cut-Off Date:** Defendant filed its Petition for Removal on July 18, 2023, based upon damages alleged in Plaintiffs' Request for Exemption from Arbitration, which was filed on July 13, 2023. Prior to Removal, the parties were not yet permitted to begin discovery. Ordinarily, and pursuant to LR 26-1(b), the discovery cut-off date would be based upon the date Defendant filed its Answer, June 28, 2023; however, as mentioned above, the parties are requesting a special scheduling review and a discovery cut-off date of January 15, 2024¹, which is 180 days from the date of filing of Defendant's Petition for Removal. To reiterate, the parties request special scheduling review based upon time lost awaiting disclosure of Plaintiff's damages claim within her Request for Exemption and removing the matter to federal court. Accordingly, the parties request special scheduling review, as the established deadlines cannot be met in this particular circumstance. For these reasons, the parties respectfully request a discovery cut-off date of January 15, 2024.

2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to amend the pleadings or to add parties be filed no later than October 17, 2023, which is 90 days before the January 15, 2024 close of discovery.

3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts be made on or before November 16, 2023, which is 60 days before the January 15, 2024 close of discovery. Disclosure of rebuttal experts shall be made by December 18, 2023², which is 30 days after the November 16, 2023 deadline for disclosure of experts.

5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than February 14, 2024, which is 30 days after the January 15, 2024 close of discovery. In the event that the discovery period is extended from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent discovery cut-off date.

6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than March

¹ The accurate deadline is January 14, 2024; this date is a Sunday, the practical deadline is Monday, January 15, 2024.

² The accurate deadline is December 16, 2023; however, because this date is a Saturday, the practical deadline is Monday, December 18, 2023.

1 15, 2024, which is 30 days after the February 14, 2024 deadline for dispositive motions. In the event
 2 that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until
 3 30 days after decision on the dispositive motions or until further order of the court. In the further
 4 event that the discovery period is extended from the discovery cut-off date set forth in this Discovery
 5 Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance
 6 with the time periods set forth in this paragraph.

7 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P. 26(a)(3),
 8 and any objections thereto, shall be included in the joint pretrial order.

9 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
 10 conferred about the possibility of using alternative dispute resolution including mediation,
 11 arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation would
 12 not be effective at this time as the parties and their counsel believe that it is necessary to conduct
 13 discovery before attempting to resolve this case. Counsel further agree that a settlement conference
 14 will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested
 15 in submitting this case to arbitration at this time.

16 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
 17 consenting to a trial by a magistrate judge or engaging in the Short Trial Program under Fed.R.Civ.P.
 18 73 and at present do not consent to either alternative form of case disposition.

19 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
 20 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
 21 format compatible with the Court's electronic jury evidence display system. At present, the parties
 22 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
 23 again in the Pre-Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

DATED this 16th day of August, 2023.
ERIC BLANK INJURY ATTORNEYS

/s/Harry V. Peetris
Eric R. Blank, Esq.
Nevada Bar No. 06910
Harry V. Peetris, Esq.
Nevada Bar No. 06448
7860 W. Sahara Avenue, Suite 110
Las Vegas, Nevada 89117
Telephone: (702) 222-2115
Facsimile: (702) 227-0615
E-mail: service@ericblanklaw.com
Attorneys for Plaintiff

DATED this ____ day of August, 2023.
HALL & EVANS, LLC

/s/Kurt R. Bonds
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
MADISON M. AGUIRRE, ESQ.
Nevada Bar No. 16183
TANYA M. FRASER, ESQ.
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ORDER

IT IS SO ORDERED:

August 16, 2023

DATE


UNITED STATES MAGISTRATE JUDGE

SUBMITTED this 16th day of August, 2023.

HALL & EVANS, LLC

/s/Kurt R. Bonds
KURT R. BONDS, ESQ.
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